

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DIARIO EL PAIS, S.L. and PRISACOM, S.A.,

Plaintiffs,

07 Civ. 11295 (HB)

-against-

THE NIELSEN COMPANY (US), INC.,

Defendant(s)

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**RULE 26(f) PROPOSED
DISCOVERY PLAN**

WHEREAS, pursuant to Federal Rule of Civil Procedure 26(f), the parties have met and conferred on July 29, 2008 at the offices of defendant's counsel.

WHEREAS, the parties hereby agree on the following proposed discovery plan:

1. Rule 26(a)(1)(A) disclosures shall be exchanged on August 12, 2008.
2. The Rule 26(a)(1)(A)(i) disclosures will consist of a list of relevant individuals and the subjects on which they have relevant knowledge which will support the parties' claims or defenses. The parties intend that these subjects may also aid in narrowing the scope of discovery.
3. Pursuant to the Court's Pretrial Scheduling Order entered on March 27, 2008, all discovery except for expert discovery shall be completed by December 16, 2008. Disclosure of expert testimony, if any, will be made by January 15, 2009 with evidence intended to contradict or rebut the subject matter of the expert testimony to be submitted 21 days after the disclosure made by the other party, subject to further order of the Court.
4. A stipulated order on electronic discovery was entered by the Court on August 6, 2008 (the "E-Discovery Order"). Pursuant to the E-Discovery Order, initial e-discovery

disclosures shall be exchanged on August 12, 2008. To the extent any issues arise regarding compliance with the specific terms of the electronic discovery protocol, the parties will meet and confer in accordance with the E-Discovery Order. The parties have agreed to forego the discovery of back-up tapes, cellular phones, personal digital assistants, and the other sources identified in Paragraphs (3) and (4) of Section IV of the E-Discovery Order, and as a result, preservation of such types of discovery for the purposes of this litigation is not required.

5. In accordance with Fed. R. Civ. P. 26(b)(5) and Local Rule 26.2, the parties agree to follow the procedure set forth on page 6 of the E-Discovery Order on withholding any documents on the basis of some privilege. The parties agree to meet and confer on any issues as they arise and to supplement and adjust these procedures, if needed, as discovery proceeds.

6. The parties agree, in an attempt to control the scope of discovery, to use the Rule 26(a)(1)(A) disclosures to identify potential custodians, witnesses and categories of relevant documents and data.

7. The parties did not discuss whether the Court should issue any other orders under Federal Rules of Civil Procedure 26(c), 16(b) and 16(c).

Jointly submitted on this 12th day of August 2008 by:

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